



General Assembly

February Session, 2012

Amendment

LCO No. 3863

SB0043703863SR0

Offered by:

SEN. MCKINNEY, 28th Dist.

To: Subst. Senate Bill No. 437

File No. 458

Cal. No. 341

"AN ACT CONCERNING CHANGES TO ELECTIONS LAWS."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. (NEW) (*Effective from passage*) Whenever a complaint is
4 made, in writing, to the state's attorney for any judicial district that a
5 justice of the peace of any town in such judicial district is guilty of
6 misconduct, wilful and material neglect of duty or incompetence in the
7 conduct of such justice of the peace's office, such state's attorney shall
8 make such investigation of the charges as such state's attorney deems
9 proper and shall, if such state's attorney is of the opinion that the
10 evidence obtained warrants such action, prepare a statement in writing
11 of the charges against such justice of the peace, together with a citation
12 in the name of the state, commanding such justice of the peace to
13 appear before a judge of the Superior Court at a date named in the
14 citation and show cause, if any, why such justice of the peace should
15 not be removed from office as provided in this section. Such state's
16 attorney shall cause a copy of such statement and citation to be served

17 by some proper officer upon the defendant justice of the peace not
 18 later than ten days before the date of appearance named in such
 19 citation, and the original statement and citation, with the return of the
 20 officer on such statement and citation, shall be returned to the clerk of
 21 the superior court for the judicial district within which such town is
 22 situated. To carry into effect the proceedings authorized by this
 23 section, the state's attorney of any judicial district shall have power to
 24 summon witnesses, require the production of necessary books, papers
 25 and other documents and administer oaths to witnesses; and upon the
 26 date named in such citation for the appearance of such justice of the
 27 peace, or upon any adjourned date fixed by the judge before whom
 28 such proceedings are pending, the state's attorney shall appear and
 29 conduct the hearing on behalf of the state. If, after a full hearing of all
 30 the evidence offered by the state's attorney and by and on behalf of the
 31 defendant, such judge is of the opinion that the evidence presented
 32 warrants the removal of such justice of the peace from office, the judge
 33 shall cause to be prepared a written order to that effect, which order
 34 shall be signed by the judge and lodged with the clerk of the superior
 35 court for the judicial district in which such defendant resides. Such
 36 clerk of the superior court shall cause a certified copy of such order to
 37 be served forthwith upon such justice of the peace, and upon such
 38 service the office held by such justice of the peace shall become vacant
 39 and the vacancy created shall be filled in the manner provided in
 40 section 9-184 of the general statutes or section 9-184c of the general
 41 statutes, as applicable. Any witnesses summoned and any officer
 42 making service under the provisions of this section shall be allowed
 43 and paid by the state the same fees as are allowed by law in criminal
 44 prosecutions."

This act shall take effect as follows and shall amend the following sections:

Sec. 501	<i>from passage</i>	New section
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